

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

BENJAMIN W. FAWLEY,

Plaintiff,

vs.

No. CV 18-01221 MV/KRS

LEA COUNTY BOARD OF COMMISSIONERS,

et al.,

Defendants.

ORDER TO CURE DEFICIENCY

Plaintiff has submitted a civil rights complaint. The Court determines that Plaintiff's submission is deficient because Plaintiff has not paid the \$400.00 filing fee or filed an Application to Proceed in District Court Without Prepaying Fees or Costs. Plaintiff did submit a check in the amount of \$450.00 with his Civil Rights Complaint. However, the Court is prohibited from collecting a fee in excess of the statutory amount and, therefore, has returned the check to Plaintiff. *See* 28 U.S.C. § 1915(b)(3). Plaintiff must cure this deficiency within thirty (30) days from entry of this Order by *either* paying the correct \$400.00 civil filing fee *or* submitting an Application to Proceed in District Court Without Prepaying Fees or Costs including a certified copy of Plaintiff's inmate account statement for the 6-month period immediately preceding this filing. *See* 28 U.S.C. § 1915(a)(2). Failure to cure the designated deficiency within thirty (30) days from entry of this Order may result in dismissal of this action without further notice.

IT IS ORDERED that within thirty (30) days of entry of this Order, Plaintiff *either* pay the correct \$400.00 civil filing fee *or* submit an Application to Proceed in District Court Without Prepaying Fees or Costs that includes a certified copy of Plaintiff's inmate account statement for

the 6-month period immediately preceding this filing; and the Clerk is directed to mail to Plaintiff a copy of this order and 2 copies of an Application to Proceed in District Court Without Prepaying Fees or Costs with instructions.

A handwritten signature in black ink, reading "Kevin Sweazea". The signature is written in a cursive, flowing style. The first name "Kevin" is written in a smaller, more compact script, while the last name "Sweazea" is written in a larger, more expansive script with a long, sweeping tail on the final letter.

KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE